

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS
Deutschland AG, as successor in interest to Dresdner
Bank Lateinamerika AG, and LGT BANK
(SWITZERLAND) LTD. as successor in interest to
Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Pro. No. 12-01577 (CGM)

**ORDER DENYING UBS EUROPE SE’S MOTION TO DISMISS
THE AMENDED COMPLAINT UNDER FEDERAL RULES OF CIVIL
PROCEDURE 12(b)(2) AND 12(b)(6)**

Defendant UBS Europe SE (“Defendant,” together with the Trustee, the “Parties”) filed a Motion to Dismiss the Trustee’s Amended Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) (the “Motion”) and supporting Memorandum of Law on September 15, 2022 (ECF Nos. 114–15). The Parties agreed to and the Court ordered waiver of oral argument on all

issues other than personal jurisdiction on January 17, 2023 (ECF No. 129). The Court heard oral argument on the personal jurisdiction challenges in the Motion on January 18, 2023.

The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Amended Complaint, and oral argument. The Court issued a memorandum decision, dated March 29, 2023, regarding the Motion (the “Decision”) (ECF No. 149). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to Dismiss the Trustee’s Amended Complaint is denied.
2. The deadline for the Defendant to file an answer to the Complaint is June 9, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: April 11, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge